

wording specified in §2.803(c)(2)(iii), and in the case of an evaluation kit, the wording specified in §2.803(c)(2)(iv)(C).

(e) Operation of a radio frequency device prior to equipment authorization is permitted under either paragraph (e)(1) or (e)(2) of this section so long as devices are either rendered inoperable or retrieved at the conclusion of such operation:

(1) The radio frequency device shall be operated in compliance with existing Commission rules, waivers of such rules that are in effect at the time of operation, or rules that have been adopted by the Commission but that have not yet become effective; and

(i) Under the authority of a service license (only in the bands for which that service licensee holds a license) provided that the licensee grants permission and the licensee continues to remain responsible for complying with all of the operating conditions and requirements associated with its license; or

(ii) Under a grant of special temporary authorization.

(2) The radio frequency device shall be operated at or below the maximum level specified in the table in §15.209(a) of this chapter for at least one of these purposes:

(i) Demonstrations at a trade show or an exhibition, provided a notice containing the wording specified in §2.803(c)(2)(iii) is displayed in a conspicuous location on, or immediately adjacent to, the device; or all prospective buyers at the trade show or exhibition are advised in writing that the equipment is subject to the FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or to centers of distribution; or

(ii) Evaluation of performance and determination of customer acceptability, during developmental, design, or pre-production states. If the device is not operated at the manufacturer's facilities, it must be labeled with the wording specified in §2.803(c)(2)(iii), and in the case of an evaluation kit, the wording specified in §2.803(c)(2)(iv)(C).

[78 FR 25162, Apr. 29, 2013, as amended at 79 FR 48691, Aug. 18, 2014]

§2.807 Statutory exceptions.

As provided by Section 302(c) of the Communications Act of 1934, as amended, §2.803 shall not be applicable to:

(a) Carriers transporting radio-frequency devices without trading in them.

(b) Radiofrequency devices manufactured solely for export.

(c) The manufacture, assembly, or installation of radiofrequency devices for its own use by a public utility engaged in providing electric service: *Provided, however,* That no such device shall be operated if it causes harmful interference to radio communications.

(d) Radiofrequency devices for use by the Government of the United States or any agency thereof: *Provided, however,* That this exception shall not be applicable to any device after it has been disposed of by such Government or agency.

[35 FR 7898, May 22, 1970, as amended at 62 FR 10470, Mar. 7, 1997]

§2.811 Transmitters operated under part 73 of this chapter.

Section 2.803(a) through (c) shall not be applicable to a transmitter operated in any of the Radio Broadcast Services regulated under part 73 of this chapter, provided the conditions set out in part 73 of this chapter for the acceptability of such transmitter for use under licensing are met.

[78 FR 25162, Apr. 29, 2013]

§2.813 Transmitters operated in the Instructional Television Fixed Service.

Section 2.803 (a) through (d) shall not be applicable to a transmitter operated in the Instructional Television Fixed Service regulated under part 74 of this chapter, provided the conditions in §74.952 of this chapter for the acceptability of such transmitter for licensing are met.

[62 FR 10470, Mar. 7, 1997]

§2.815 External radio frequency power amplifiers.

(a) As used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification